



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on May 12, 2009

Date of Meeting: March 3, 2009

The Mayor and Council of the City of Tucson met in regular session in the Mayor and Council Chambers in City Hall, 255 West Alameda Street, Tucson, Arizona, at 5:31 p.m., on Tuesday, March 3, 2009 all members having been notified of the time and place thereof.

1. ROLL CALL

The meeting was called to order by Mayor Walkup and upon roll call, those present and absent were:

Present:

Regina Romero	Council Member Ward 1
Rodney Glassman	Council Member Ward 2
Karin Uhlich (Electronic Attendance)	Vice Mayor, Council Member Ward 3
Shirley C. Scott	Council Member Ward 4
Nina J. Trasoff	Council Member Ward 6
Robert E. Walkup	Mayor

Absent/Excused:

Steve Leal	Council Member Ward 5
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Staff Members Present:

Mike Hein	City Manager
Michael Rankin	City Attorney
Roger W. Randolph	City Clerk
Mike Letcher	Deputy City Manager

Roger W. Randolph, City Clerk, announced Vice Mayor Uhlich was unable to be present for the evening's meeting, but she would be participating by telephone. This was allowable under the Mayor and Council Rules and Regulations. He stated Vice Mayor Uhlich advised the City Clerk of her location, and assured him that no one else was present with her. Vice Mayor Uhlich could vote on all matters in the same way as those members physically present as long as she participated in the discussions. On the evening's agenda, all votes would be done by roll call rather than voice vote.

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Grace Hartman, Tamara Spiritual Center, after which the Pledge of Allegiance was presented by the entire assembly.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced City Manager's communication number 111, dated March 3, 2009, was received into and made a part of the record. He also announced this was the time scheduled to allow members of the Mayor and Council to report on current events and asked if there were any reports.

- a. Council Member Scott thanked the City Clerk's Office for all their good work and support they provided to the Mayor and Council Members participating in the Rodeo Parade.
- b. Council Member Trasoff reported the previous Thursday, Ward 6 hosted a Budget Town Hall with approximately three dozen constituents participating. She thanked Mike Letcher, Deputy City Manager; Marie Nemerguth, Deputy Director of Budget and Research; and Silvia Amparano, Acting Finance Director, for attending the forum and listening to comments. She said that staff presented a budget overview, then an exercise asking participants to decide how to spend limited City dollars.

Vice Mayor Uhlich stated she was not receiving live video of the Mayor and Council meeting from the Channel 12 website and wanted to confirm that she could participate in the meeting by phone only. She also requested the Information Technology Department (IT) check on the video problem.

Roger W. Randolph, City Clerk, confirmed Vice Mayor Uhlich could participate by phone only and advised he would have IT check on problems with live video feed.

4. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced City Manager's communication number 112, dated March 3, 2009, was received into and made a part of the record. He also announced this was the time scheduled to allow the City Manager to report on current events, and asked for that report.

No report was given.

5. LIQUOR LICENSE APPLICATIONS

Mayor Walkup announced City Manager's communication number 113, dated March 3, 2009, was received into and made a part of the record. He asked the City Clerk to read the Liquor License Agenda.

b. Liquor License Applications

New License(s)

1. Sunflower Market, Ward 3
4282 N. 1st Ave.
Applicant: Michael Aaron Phillips
Series 10, City 1-09
Action must be taken by: March 7, 2009

Staff has indicated the applicant is in compliance with city requirements.

2. Gourmet of China, Ward 4
2544 S. Kolb Rd.
Applicant: Yao Qiang Huang
Series 12, City 2-09
Action must be taken by: March 12, 2009

Staff has indicated the applicant is in compliance with city requirements.

3. Circle K Store #1583, Ward 1
1401 W. Grant Rd.
Applicant: Kim Kenneth Kwiatkowski
Series 10, City 4-09
Action must be taken by: March 15, 2009

Staff has indicated the applicant is in compliance with city requirements.

NOTE: State law provides that for a new license application, "In all proceedings before the governing body of a city...the applicant bears the burden of showing that the public convenience requires and that the best interest of the community will be substantially served by the issuance of a license". (A.R.S. Section 4-201)

Person Transfer(s)

4. Unicorn Sports Lounge, Ward 4
8060 E. 22nd St., #118
Applicant: Beatrice Mae Garrison
Series 6, City 3-09
Action must be taken by: March 15, 2009

Staff has indicated the applicant is in compliance with city requirements.
Public Opinion: Written Argument in Favor Filed

NOTE: State law provides that for a person to person transfer, Mayor and Council may consider the applicant's capability, qualifications and reliability. (A.R.S. Section 4-203)

c. Special Event(s)

1. Fourth Avenue Merchants Association, Ward 6
4th Ave. between University Blvd. & 9th St.
Applicant: John A. Sedwick
City T4-09
Date of Event: March 20, 2009 - March 22, 2009
(Fundraising Civic event)

Staff has indicated the applicant is in compliance with city requirements.

2. Borderlands Theater, Ward 6
55 N. 6th Ave.
Applicant: James Workman
City T14-09
Date of Event: March 21, 2009
(Annual fundraising event)

Staff has indicated the applicant is in compliance with city requirements.

d. Agent Change/Acquisition of Control/Restructure

NOTE: There are no agent changes scheduled for this meeting.

It was moved by Council Member Glassman, duly seconded, to forward liquor license applications 5b1 through 5b4, and 5c1 through 5c2 to the Arizona State Liquor Board with a recommendation for approval.

Mayor Walkup asked if there was any discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Romero, Glassman, Scott, and Trasoff;
Vice Mayor Uhlich and Mayor Walkup

Nay: None

Absent/Excused: Council Member Leal

The motion to forward liquor license applications 5b1 through 5b4, and 5c1 through 5c2 to the Arizona State Liquor Board with a recommendation for approval was declared passed by a roll call vote of 6 to 0.

6. CALL TO THE AUDIENCE

Mayor Walkup announced this was the time any member of the public was allowed to address the Mayor and Council on any issue except for items scheduled for a public hearing. Speakers were limited to three-minute presentations. The call to the audience was scheduled to last thirty minutes. He stated the “blue speaker card” had changed and speakers no longer needed to state their address, only their name, when called to speak before the Mayor and Council.

- a. Karen Falkenstrom spoke about the arts and cultural infrastructure. She advised that more people attended arts and cultural events in Tucson each year than sports events. She introduced To-Ré-Né, who performed a song for the Mayor and Council.
- b. Linda Hatfield, Chair for the Pima Area Labor Federation, asked the Mayor and Council to support the 2009 Resolution on Spending of Federal Economic Renewal Grants for the City of Tucson. She outlined some of the points in the resolution.
- c. Arthur Weiss, Esq., representing Gordon Bush, owner of Rongo Investments L.L.C., requested help from the City Council to resolve his client’s attempt to obtain a certificate of occupancy for a building purchased four years ago in an effort to bring his client’s California business to Tucson.
- d. Leon Sierra, representing the International Union of Operating Engineers, IUOE #428, spoke in support of the 2009 Resolution on Spending of Federal Economic Renewal Grants, also referred to as the “Buy American” resolution.
- e. Grant Winston, associate member of the United Steelworkers, urged the Mayor and Council to vote in favor of the “Buy American” resolution.

- f. Manny Armenta, representing United Steelworkers AFL-CIO, asked the Mayor and Council to support the “Buy American” resolution.
- g. Jim Hannley, associate member of Jobs with Justice and former member of the United Steelworkers local #6705, asked the Mayor and Council to support the “Buy American” resolution.
- h. Ian Robertson, representing the United Steelworkers of America local office, urged the Mayor and Council to support the “Buy American” resolution.
- i. Joseph Sweeney spoke about homeland security compliance, illegal aliens and applying for 287(g) funding with the Secretary of the Department of Homeland Security, Janet Napolitano.

7. CONSENT AGENDA – ITEMS A THROUGH K

Mayor Walkup announced the reports and recommendations from the City Manager on the Consent Agenda were received into and made a part of the record. He asked the City Clerk to read the Consent Agenda.

- A. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR IMPLEMENTATION OF THE 4TH AVENUE BIKE BOULEVARD PROJECT
 - 1. Report from City Manager MAR3-09-115 WARDS 3 AND 6
 - 2. Resolution No. 21227 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Transportation Funding Agreement between the Regional Transportation Authority of Pima County and the City of Tucson for implementation of the 4th Avenue Bike Boulevard Project; and declaring an emergency.
- B. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR IMPROVEMENTS TO THE HOUGHTON ROAD FROM I-10 TO TANQUE VERDE ROAD
 - 1. Report from City Manager MAR3-09-116 WARD 2
 - 2. Resolution No. 21228 relating to Intergovernmental Agreements; approving and authorizing the execution of Amendment No. 2 to the Intergovernmental Agreement between the City of Tucson and the Regional Transportation Authority of Pima County (RTA) for the Houghton Road Corridor Project: improvements to the Houghton Road/Broadway Boulevard Intersection; and declaring an emergency.

C. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR EXPRESS BUS SERVICE EXPANSION IMPROVEMENTS

1. Report from City Manager MAR3-09-117 CITY-WIDE AND OUTSIDE CITY
2. Resolution No. 21229 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Transportation Funding Agreement between the Regional Transportation Authority of Pima County and the City of Tucson for Regional Transit Service Improvements: Project 49 – Express Bus Service Expansion Improvements; and declaring an emergency.

D. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR IMPROVEMENTS TO GRANT ROAD FROM ORACLE ROAD TO SWAN ROAD

1. Report from City Manager MAR3-09-118 WARDS 2, 3, AND 6
2. Resolution No. 21230 relating to Intergovernmental Agreements; approving and authorizing Amendment No. 2 to the Intergovernmental Agreement between the City of Tucson and the Regional Transportation Authority of Pima County (RTA) for improvements to Grant Road: Oracle Road to Swan Road; and declaring an emergency.

E. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR THE DOWNTOWN LINKS PROJECT

1. Report from City Manager MAR3-09-124 WARDS 1, 5, AND 6
2. Resolution No. 21231 relating to Intergovernmental Agreements; approving and authorizing execution of Amendment No. 1 to the Intergovernmental Agreement for Transportation Funding between the City of Tucson and the Regional Transportation Authority (RTA) of Pima County for Downtown Links; and declaring an emergency.

F. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR THE IRONWOOD HILLS DRIVE SIDEWALK IMPROVEMENT PROJECT

1. Report from City Manager MAR3-09-120 WARD 1
2. Resolution No. 21233 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement between the Regional Transportation Authority of Pima County and the City of Tucson for the Ironwood Hills Drive Sidewalk Improvement Project; and declaring an emergency.

G. TRANSPORTATION: ACQUISITION OF RIGHT-OF-WAY FOR THE SPEEDWAY BOULEVARD – CAMINO SECO TO HOUGHTON ROAD ROADWAY WIDENING PROJECT

1. Report from City Manager MAR3-09-122 WARD 2
2. Resolution No. 21232 relating to transportation; authorizing the City Manager to acquire by negotiation, and the City Attorney to condemn if necessary, certain rights-of-way located along Speedway Boulevard-Camino Seco to Houghton Road Roadway Widening Project; and declaring an emergency.

H. INTERGOVERNMENTAL AGREEMENT: WITH THE STATE OF ARIZONA FOR CONSTRUCTION OF A NEW ACCESS ROAD AND ABANDONMENT OF EXCESS STATE RIGHT-OF-WAY

1. Report from City Manager MAR3-09-121 WARD 1
2. Resolution No. 21234 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement between the State of Arizona and the City of Tucson for Construction of a New Access Road, Fiandaca Boulevard, and Abandonment of Excess State Right-of-Way; and declaring an emergency.

I. APPROVAL OF MINUTES

1. Report from City Manager MAR3-09-123 CITY-WIDE
2. Approval of minutes for the regular meeting of the Mayor and Council held on November 25, 2008.

J. MEMORIAL: SUPPORTING ARIZONA PUBLIC EDUCATION

1. Report from City Manager MAR3-09-125 CITY-WIDE

This item has been continued.

K. ECONOMIC STIMULUS: APPROVAL OF A RESOLUTION ON THE SPENDING OF FEDERAL ECONOMIC RENEWAL GRANTS

1. Report from City Manager MAR3-09-127 CITY-WIDE
2. Resolution No. 21235 relating to economic stimulus; providing for expenditure of funds received through the American Recovery and Reinvestment Act upon goods and services produced within the United States; and declaring an emergency.

Roger W. Randolph, City Clerk, announced this item would be considered separately at the request of Council Member Glassman.

It was moved by Council Member Trasoff, duly seconded, that Consent Agenda Items A through I, with the exception of Item J which was continued, and Item K which would be considered separately, be passed and adopted and the proper action taken.

Mayor Walkup asked if there was any discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Romero, Glassman, Scott, and Trasoff;
Vice Mayor Uhlich and Mayor Walkup

Nay: None

Absent/Excused: Council Member Leal

Consent Agenda Items A through I, with the exception of Item J which was continued, and Item K which would be considered separately, were declared passed and adopted by a roll call vote of 6 to 0.

7. CONSENT AGENDA – ITEM K

K. ECONOMIC STIMULUS: APPROVAL OF A RESOLUTION ON THE SPENDING OF FEDERAL ECONOMIC RENEWAL GRANTS

1. Report from City Manager MAR3-09-127 CITY-WIDE
2. Resolution No. 21235 relating to economic stimulus; providing for expenditure of funds received through the American Recovery and Reinvestment Act upon goods and services produced within the United States; and declaring an emergency.

Council Member Glassman recalled that the previous week, after listening to President Obama's speech, he received an email and a phone call from Linda Hatfield, President of the Communication Workers of America Local #7000 and Chair for the Pima Area Labor Federation. He said Ms. Hatfield reiterated what the President said during his speech, that the answers to the country's problems did not lie beyond reach. They existed in the country's laboratories, universities, fields and factories, in the imaginations of the entrepreneurs and the pride of the hardest-working people on Earth, meaning the citizens of the country. Council Member Glassman stated Ms. Hatfield described a resolution circulating in different communities that would be appropriate for the Council to support as well. The resolution took on the challenge that President Obama put forward, which was for communities to take the lead in determining their own future. Council Member Glassman stated he was pleased and honored to bring forward this resolution, knowing the Mayor and Council would be supportive of it. He thanked members of the audience for showing their support of the resolution. Council Member Glassman said it was wonderful that working families in Tucson, and throughout the

country, were continuing to have opportunities because of the stimulus money. He added this was a very thoughtful resolution; as important as Tucson only was, and as important as Arizona only was, this was a resolution that supported all of the working families in the country and he believed that made the resolution extra special.

It was moved by Council Member Glassman, duly seconded, that Consent Agenda Item K be passed and adopted and the proper action taken.

Mayor Walkup asked if there was any discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Romero, Glassman, Scott, and Trasoff;
Vice Mayor Uhlich and Mayor Walkup

Nay: None

Absent/Excused: Council Member Leal

Consent Agenda Item K was declared passed and adopted by a roll call vote of 6 to 0.

8. PUBLIC HEARING: AMENDING THE NEIGHBORHOOD PRESERVATION ORDINANCE

Mayor Walkup announced City Manager's communication number 126 dated March 3, 2009, was received into and made a part of the record. He also announced this was the time and place legally advertised for a public hearing on proposed amendments to the Neighborhood Preservation Ordinance. He said the public hearing was scheduled to last no more than one hour and speakers would be limited to five-minute presentations.

Mayor Walkup asked if there was anyone wishing to be heard on this item. There was no one.

It was moved by Council Member Scott, duly seconded, to close the public hearing.

Mayor Walkup asked if there was any discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Romero, Glassman, Scott, and Trasoff;
Vice Mayor Uhlich and Mayor Walkup

Nay: None

Absent/Excused: Council Member Leal

The motion to close the public hearing was declared passed by a roll call vote of 6 to 0.

Mayor Walkup asked the City Clerk to read Ordinance 10638 by number and title only.

Ordinance No. 10638 relating to Neighborhood Preservation; amending Chapter 16 of the Tucson Code, the "Neighborhood Preservation Ordinance"; amending definitions; amending duties related to vacant and unsecured structures; amending requirements for permitted storage of junked or inoperable vehicles; and amending methods of service of notices of violation; by amending Chapter 16, Sections 16-3, 16-14, 16-15, and 16-45; and declaring an emergency.

Council Member Trasoff said this was an important amendment and it was small modifications that were going to make a big difference in the quality of life in neighborhoods.

It was moved by Council Member Trasoff, duly seconded, to pass and adopt Ordinance 10638.

Mayor Walkup asked if there was further discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Romero, Glassman, Scott, and Trasoff;
Vice Mayor Uhlich and Mayor Walkup

Nay: None

Absent/Excused: Council Member Leal

Ordinance 10638 was declared passed and adopted by a roll call vote of 6 to 0.

9. ZONING: (SE-08-35) AT&T – SPEEDWAY BOULEVARD, C-1 ZONING, SPECIAL EXCEPTION LAND USE, CITY MANAGER’S REPORT, DIRECT ORDINANCE ADOPTION

Mayor Walkup announced City Manager's communication number 119, dated March 3, 2009, was received into and made a part of the record. He also announced this was a Special Exception Land Use request for property located at the southwest corner of Speedway Boulevard and Harrison Road. The Zoning Examiner and staff recommend approval subject to certain conditions. He asked if the applicant or representative was present and if they were agreeable to the proposed requirements.

A member of the audience indicated agreement to the conditions.

Mayor Walkup asked the City Clerk to read Ordinance 10637 by number and title only.

Ordinance No. 10637 relating to zoning; approving a special exception land use, wireless communications use, AT&T – Speedway Boulevard; located on the southwest corner of Speedway Boulevard and Harrison Road; approving with conditions the construction of wireless communications facility, a sixty-five foot light pole, in the C-1 Zone, Case SE-08-35; and setting an effective date.

It was moved by Council Member Glassman, duly seconded, to pass and adopt Ordinance 10637.

Mayor Walkup asked if there was any discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Romero, Glassman, Scott, and Trasoff;
Vice Mayor Uhlich and Mayor Walkup

Nay: None

Absent/Excused: Council Member Leal

Ordinance 10637 was declared passed and adopted by a roll call vote of 6 to 0.

10. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Walkup announced City Manager's communication number 114, dated March 3, 2009, was received into and made a part of the record. He asked for a motion to approve the appointments in the report.

It was moved by Council Member Scott, duly seconded, to appoint Steven Shell to the Sign Code Advisory and Appeals Board.

Mayor Walkup asked if there was any discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Romero, Glassman, Scott, and Trasoff;
Vice Mayor Uhlich and Mayor Walkup

Nay: None

Absent/Excused: Council Member Leal

The motion to appoint Steven Shell to the Sign Code Advisory and Appeals Board was declared passed by a roll call vote of 6 to 0.

Mayor Walkup asked if there were personal appointments to be made.

Vice Mayor Uhlich announced her personal appointment of Scott Polston to the Small Business Commission.

11. ADJOURNMENT: 6:11 p.m.

Mayor Walkup announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, March 10, 2009, at 5:30 p.m., in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.

MAYOR

ATTEST:

CITY CLERK

CERTIFICATE OF AUTHENTICITY

I, the undersigned, have read the foregoing transcript of the meeting of the Mayor and Council of the City of Tucson, Arizona, held on the 3rd day of March 2009, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

RWR:lh:sac